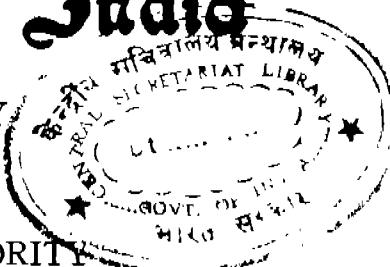


भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं. 12] नई विल्ही, भृहस्पतिवार, अप्रैल 12, 1990/चैत्र 22, 1912
No. 12] NEW DELHI, THURSDAY, APRIL 12, 1990/CHAITRA 22, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह ग्रन्थ संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 12th April, 1990:—

BILL No. 33 OF 1990

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1990.

Short title
and commence-
ment.

(2) It shall come into force at once.

2. After article 30 of the Constitution, the following article and sub-heading shall be inserted, namely:—

Insertion
of new
article 31.

"Right to Work

31. (1) All citizens who have attained the age of eighteen years and above shall have the right to work.

Right to
work.

(2) Any person who is eligible for employment under clause (1) and not provided with a job, shall be entitled to assistance from the State adequate for the sustenance of his livelihood till he is provided with a job by the State or for a period of not more than ten years, whichever is earlier.

(3) Nothing in clause (1), shall affect the operation of any existing law in so far as it relates, or prevents the State from making any law relating, to determination of any professional or technical qualification or physical fitness required for any particular kind of job keeping in view the maintenance of efficiency of administration of the State.”.

STATEMENT OF OBJECTS AND REASONS

The founding fathers of our Constitution desired to safeguard the fundamental rights of the Indian citizens by putting them in black and white in the Constitution. One important fact remains that the right to work has not yet been given constitutional sanctity. It is the duty of the State, under article 41 of the Constitution, to make effective provision for securing the right to work, within the limits of its economic capacity and development, and to public assistance in cases of unemployment, etc. The provision is not enforceable and therefore the right to work remains only a Directive Principle of State Policy to be adopted by the State and has not yet been established as a fundamental right.

In the present context of unprecedented unemployment situation in the country, the desire of the founding fathers, fettered in the Directive Principles of State Policy, should be given its due place in the Part III of the Constitution which enshrines the fundamental rights of the citizens.

Further, it will not be possible for a society, preparing for crossing threshold of the twentieth century, to contain the growing frustrations as well as increasing awareness of youths for employment.

It would, therefore, be best in the Interest of the society to strengthen the basis of fundamental rights guaranteed in the Constitution by providing for right to work. It is to be borne in mind that without the right to work the talk of other rights appears to be meaningless to the innumerable masses.

The Bill seeks to achieve the above objects.

NEW DELHI;
December 28, 1989.

SUDHIR GIRI.

FINANCIAL MEMORANDUM

At this stage, it cannot be ascertained what would really be the amount of money required for providing jobs and assistance to the unemployed youths. However, the Bill, if enacted, is likely to involve an annual recurring expenditure of rupees five hundred crores from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crores may be sufficient to start the scheme.

BILL NO. 34 OF 1990

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1990.

Short title.

2. After article 75 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 75A.

“75A. During the period from the date of announcement of general election to the House of the People, or from the date of dissolution of the House of the People, till the date of constitution of new House of the People, the Government shall function as a caretaker Government and such Government shall not initiate new policies and any policy decision taken by such Government shall be subject to ratification by the new House of the People.”.

Restriction on functions of the caretaker Government.

3. After article 164 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 164A.

“164A. During the period from the date of announcement of general election to the Legislative Assembly of a State, or from the date of dissolution of the Legislative Assembly of the State, till the date of constitution of new Legislative Assembly of the State, the Government of a State shall function as a caretaker Government and such Government shall not initiate new policies and any policy decision taken by such Government shall be subject to the ratification by the new Legislative Assembly of the State.”.

Restriction on functions of the caretaker Government.

STATEMENT OF OBJECTS AND REASONS

Past experience has shown that at the time of elections, Central as well as State Governments sometimes misuse the Government machinery in furtherance of the election of the party in power. The Party in power has, under the present circumstances, an edge over other contending political parties as it may give false promises affecting free and fair election.

It is, therefore, felt that the Constitution should be amended so as to ensure that Government (Central or State) functions as a caretaker Government during the period between the dissolution of the House of the People/Legislative Assembly of a State and the constitution of the New House of the People/Assembly.

The Bill seeks to amend the Constitution with a view to achieving the above objective.

Hence this Bill.

NEW DELHI;
February 8, 1990.

SHANTILAL PATEL

SUBHASH C. KASHYAP,
Secretary-General.